

103^D CONGRESS
1ST SESSION

S. 1001

To strengthen United States laws to enforce economic embargoes against foreign countries pursuant to a declaration of national emergency or United Nations Security Council measures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20 (legislative day, APRIL 19), 1993

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To strengthen United States laws to enforce economic embargoes against foreign countries pursuant to a declaration of national emergency or United Nations Security Council measures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Sanc-
5 tions Enforcement Act of 1993”.

6 **SEC. 2. IMPOSITION OF SANCTIONS.**

7 (a) DETERMINATION BY THE PRESIDENT.—

1 (1) IN GENERAL.—If the President determines
2 that a foreign person, on or after the date of the en-
3 actment of this section, has knowingly violated Unit-
4 ed Nations Security Council Resolution 748 impos-
5 ing sanctions against Libya, he is authorized to im-
6 pose the sanctions described in subsection (c).

7 (2) PERSONS AGAINST WHICH SANCTIONS ARE
8 TO BE IMPOSED.—Sanctions may be imposed pursu-
9 ant to paragraph (1) on—

10 (A) the foreign person with respect to
11 which the President makes the determination
12 described in that paragraph;

13 (B) any successor entity to that foreign
14 person;

15 (C) any foreign person that is a parent,
16 subsidiary, or co-venture of that person if that
17 parent, subsidiary, or co-venture knowingly and
18 materially assisted in the activities which were
19 the basis of that determination; and

20 (D) any foreign person that is an affiliate
21 of that person if that affiliate knowingly and
22 materially assisted in the activities which were
23 the basis of that determination and if that affil-
24 iate is controlled in fact by that foreign person.

1 (3) OTHER SANCTIONS AVAILABLE.—The sanc-
2 tions which may be imposed for activities described
3 in this subsection are in addition to any other sanc-
4 tion which may be imposed for the same activities
5 under any other provision of law.

6 (b) CONSULTATION WITH AND ACTIONS BY FOREIGN
7 GOVERNMENT OF JURISDICTION.—

8 (1) CONSULTATIONS.—If the President makes a
9 determination described in subsection (a)(1) with re-
10 spect to a foreign person, the Congress urges the
11 President to initiate consultations immediately with
12 the government with primary jurisdiction over that
13 foreign person with respect to the imposition of
14 sanctions pursuant to this section.

15 (2) ACTIONS BY GOVERNMENT OF JURISDIC-
16 TION.—In order to pursue such consultations with
17 that government, the President may delay imposition
18 of a sanction pursuant to this section for up to 90
19 days. Following these consultations, the President
20 shall impose a sanction unless the President deter-
21 mines and certifies to the Congress that that govern-
22 ment has taken specific and effective actions, includ-
23 ing appropriate penalties, to terminate the involve-
24 ment of the foreign person in the activities described
25 in subsection (a)(1). The President may delay the

1 imposition of a sanction for up to an additional 90
2 days if the President determines and certifies to the
3 Congress that that government is in the process of
4 taking the actions described in the previous sen-
5 tence.

6 (3) REPORT TO CONGRESS.—Not later than 90
7 days after making a determination under subsection
8 (a)(1), the President shall submit to the Committee
9 on Foreign Relations of the Senate and the Commit-
10 tee on Foreign Affairs of the House of Representa-
11 tives a report on the status of consultations with the
12 appropriate government under this subsection, and
13 the basis for any determination under paragraph (2)
14 of this subsection that such government has taken
15 specific corrective actions.

16 (c) SANCTIONS.—The sanctions to be imposed pursu-
17 ant to subsection (a)(1) are, except as provided in sub-
18 section (d), that no United States person shall, either di-
19 rectly or indirectly, procure, import, sell, export, or other-
20 wise provide or enter into any contract to procure, import,
21 sell, export, or otherwise provide any goods, technology,
22 or services to or from any person described in subsection
23 (a)(2).

24 (d) EXCEPTIONS.—(1) The sanctions of subsection
25 (c) shall not apply—

1 (A) in the case of procurement by the United
2 States Government of vital defense articles or de-
3 fense services which cannot readily and reasonably
4 be acquired in sufficient quantities from other
5 nonsanctioned foreign persons and which are essen-
6 tial to satisfy current United States operational mili-
7 tary needs; or

8 (B) with respect to medical or other humani-
9 tarian items.

10 (2) Whenever the President makes a determination
11 under this subsection to exempt certain goods, technology,
12 or services from the sanctions of subsection (c), the Presi-
13 dent shall submit a report to the Speaker of the House
14 of Representatives and the Committee on Foreign Rela-
15 tions of the Senate stating the reasons for such exemption.

16 (e) TERMINATION OF SANCTIONS.—Sanctions im-
17 posed pursuant to this section shall apply for a period of
18 at least 12 months following the imposition of the sanc-
19 tions and shall cease to apply thereafter only if the Presi-
20 dent determines and certifies to the Congress that—

21 (1) reliable information indicates that the for-
22 eign person with respect to which the determination
23 was made under subsection (a)(1) has ceased to vio-
24 late United Nations Security Council Resolution 748
25 with respect to Libya; and

1 (2) the President has received reliable assur-
2 ances from the foreign person that such person will
3 not, in the future, violate United Nations Security
4 Council Resolution 748 with respect to Libya.

5 (f) WAIVER.—

6 (1) CRITERION FOR WAIVER.—The President
7 may waive the application of any sanction imposed
8 on any person pursuant to this section, after the end
9 of the 12-month period beginning on the date on
10 which that sanction was imposed on that person, if
11 the President determines and certifies to the Con-
12 gress that the continued imposition of the sanction
13 would have a serious adverse effect on vital United
14 States interests.

15 (2) NOTIFICATION OF AND REPORT TO CON-
16 GRESS.—If the President decides to exercise the
17 waiver authority provided in paragraph (1), the
18 President shall so notify the Congress not less than
19 20 days before the waiver takes effect. Such notifica-
20 tion shall include a report fully articulating the ra-
21 tionale and circumstances which led the President to
22 exercise the waiver authority.

23 (g) ADMINISTRATION AND ENFORCEMENT.—(1) The
24 President may delegate his authority under this section
25 to the Secretary of the Treasury.

1 (2) Consistent with the provisions of this section, the
2 authorities of the International Emergency Economic
3 Powers Act which relate to the administration and en-
4 forcement of that Act shall apply to the administration
5 and enforcement of sanctions imposed under this section.

6 (3) Section 206 of the International Emergency Eco-
7 nomic Powers Act (50 U.S.C. 1705), relating to civil and
8 criminal penalties, shall apply to violations of sanctions
9 imposed under this section to the same extent and in the
10 same manner as such penalties apply to violations of li-
11 censes, orders, or regulations under that Act.

12 (h) DEFINITIONS.—For the purposes of this sec-
13 tion—

14 (1) the term “foreign person” includes—

15 (A) any individual who is neither a citizen
16 of the United States nor an alien lawfully ad-
17 mitted for permanent residence to the United
18 States;

19 (B) any corporation, partnership, associa-
20 tion, organization or other entity which is cre-
21 ated or organized under the laws of a foreign
22 country or which has its principal place of busi-
23 ness outside the United States; or

24 (C) any agency or instrumentality of a for-
25 eign government; and

1 (2) the term “United States person” means—

2 (A) any United States citizen or perma-
3 nent resident alien;

4 (B) juridical person organized under the
5 laws of the United States or any jurisdiction
6 within the United States, including any foreign
7 branch;

8 (C) any person in the United States; or

9 (D) the United States Government or any
10 agency or instrumentality thereof.

11 **SEC. 3. PROTECTION OF PARTICIPANTS IN THE REWARDS**
12 **PROGRAM.**

13 Subsection 36(e) of the State Department Basic Au-
14 thorities Act (22 U.S.C. 2708) is amended by inserting
15 “(1)” immediately following “(e)” and adding the follow-
16 ing new paragraph:

17 “(2)(A) Whenever the information which would jus-
18 tify a reward under subsection (a) is furnished by an alien
19 and the Secretary of State and the Attorney General joint-
20 ly determine that the protection of such alien or the alien’s
21 immediate family requires the admission of such alien or
22 aliens to the United States, then such alien, and the
23 alien’s immediate relatives, if necessary, may be issued
24 visas and admitted to the United States for permanent

1 residence, without regard to the requirements of the Immi-
 2 gration and Nationality Act (8 U.S.C. 1101 et seq.).

3 “(B) The total number of aliens admitted to the
 4 United States under subparagraph (A) shall not exceed
 5 25 in any one fiscal year.

6 “(C) For purposes of this paragraph, the term ‘imme-
 7 diate relative’ has the same meaning given to such term
 8 in section 201(b)(2) of the Immigration and Nationality
 9 Act (8 U.S.C. 1151(b)(2)).’.

10 **SEC. 4. INCREASE IN CRIMINAL PENALTIES FOR THE MIS-**
 11 **USE OF PASSPORTS.**

12 Section 1544 of title 18, United States Code, is
 13 amended—

14 (1) by striking “\$2,000” and inserting in lieu
 15 thereof “\$50,000”; and

16 (2) by striking “five years” and inserting in lieu
 17 thereof “ten years”.

18 **SEC. 5. SANCTION ON FOREIGN AIR TRANSPORTATION.**

19 (a) DETERMINATION.—Whenever the President de-
 20 termines that a country is not complying with United Na-
 21 tions Security Council Resolution 748 with respect to
 22 Libya, he shall so certify to the Congress.

23 (b) NOTIFICATION OF FOREIGN GOVERNMENT.—(1)
 24 The President is authorized to notify the government of
 25 a country with respect to which the President has made

1 a determination pursuant to subsection (a) of his intention
2 to suspend the authority of foreign air carriers owned or
3 controlled by the government of that country to engage
4 in foreign air transportation to or from the United States.

5 (2) Within 10 days after the date of notification of
6 a government under paragraph (1), the Secretary of
7 Transportation shall take all steps necessary to suspend
8 at the earliest possible date the authority of any foreign
9 air carrier owned or controlled, directly or indirectly, by
10 that government to engage in foreign air transportation
11 to or from the United States, notwithstanding any agree-
12 ment relating to air services.

13 (c) TERMINATION OF AIR SERVICE AGREEMENTS.—

14 (1) The President may direct the Secretary of State to
15 terminate any air service agreement between the United
16 States and a country with respect to which the President
17 has made a determination pursuant to subsection (a), in
18 accordance with the provisions of that agreement.

19 (2) Upon termination of an agreement under this
20 subsection, the Secretary of Transportation shall take
21 such steps as may be necessary to revoke at the earliest
22 possible date the right of any foreign air carrier owned,
23 or controlled, directly or indirectly, by the government of
24 that country to engage in foreign air transportation to or
25 from the United States.

1 (d) EXCEPTIONS.—The Secretary of Transportation
2 may provide for such exceptions from subsections (b) and
3 (c) as the Secretary considers necessary to provide for
4 emergencies in which the safety of an aircraft or its crew
5 or passengers is threatened.

6 (e) DEFINITIONS.—For purposes of this section, the
7 terms “air transportation”, “air carrier”, “foreign air car-
8 rier”, and “foreign air transportation” have the meanings
9 such terms have under section 101 of the Federal Aviation
10 Act of 1958 (49 U.S.C. App. 1301).

11 **SEC. 6. LIMITATION ON TRANSFERS OF INFORMATIONAL**
12 **MATERIALS.**

13 (a) AMENDMENT TO THE INTERNATIONAL EMER-
14 GENCY ECONOMIC POWERS ACT.—Section 203(b)(3) of
15 the International Emergency Economic Powers Act (50
16 U.S.C. 1702(b)(3)) is amended by inserting before the pe-
17 riod at the end thereof the following: “, except that infor-
18 mational materials do not include materials containing
19 technical or commercial data of value to the economy of
20 a foreign country whose transactions are otherwise regu-
21 lated or prohibited under this section”.

22 (b) AMENDMENT TO THE TRADING WITH THE
23 ENEMY ACT.—Section 5(b)(4) of the Trading With the
24 Enemy Act (50 U.S.C. App. 5(b)(4)) is amended by in-
25 serting before the period at the end thereof the following:

1 “, except that informational materials do not include ma-
2 terials containing technical or commercial data of value
3 to the economy of a foreign country whose transactions
4 are otherwise regulated or prohibited under this section”.

5 **SEC. 7. INCREASE IN CIVIL PENALTIES.**

6 Section 206(a) of the International Emergency Eco-
7 nomic Powers Act (50 U.S.C. 1705(a)) is amended by
8 striking out “\$10,000” and inserting in lieu thereof
9 “\$100,000”.

10 **SEC. 8. STATEMENT OF CONSTRUCTION.**

11 Nothing in this Act restricts or limits any authority
12 contained in or actions taken pursuant to the Inter-
13 national Emergency Economic Powers Act (50 U.S.C.
14 1701–1706), the Trading With the Enemy Act (50 U.S.C.
15 App. 5(b)), or any other authority under which economic
16 sanctions have been or may be imposed and enforced.

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